

REMARKS

This amendment is responsive to the Office Action dated April 28, 2009 and received in this application. In the amendment, claims 3-7, 11-15, 19-23 and 27-31 have been cancelled without prejudice or disclaimer of prosecution of their subject matter in this or any application. Claims 1, 2, 8-10, 16-18, 24-26 and 32 have been amended and are pending in the application. *These amendments add no new matter.* Support for the amendments is found throughout Applicant's specification as filed, including but not necessarily limited to paragraph [00193] of the application as represented in U.S. Pub. No. 2007/0097104. Reconsideration and allowance of the pending claims in light of these amendments and the following remarks is respectfully requested.

Claims 1-32 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pub. No. 2002/0015104 to Itoh et al. ("Itoh"). This rejection is traversed.

Claim 1 has been amended and now recites: *[a] display apparatus for presenting a moving image with less perceivable degradation, characterized by comprising:*

display control means for controlling display to cause display means to display the moving image, by recognizing content to be displayed as computer graphics and then causing the display means to display the moving image at a determined frame rate of 350 or 360 frames/sec; and

the display means for displaying the moving image at the determined frame rate on the basis of control of the display control means, in which a display of each pixel on a screen is maintained during each frame period.

Itoh does not disclose or suggest these claimed features.

Itoh discloses an image processing that is said to improve picture quality. The image processing incorporates input frame pictures to be displayed on the basis of an input picture signal and an input synchronizing signal. Output frame pictures are produced from input frame pictures

using an interpolated picture, inserting a black raster picture, or thinning out the frame pictures, between the input frame pictures. This is done on the basis of picture information of the input frame picture to be displayed, and the input synchronizing signal and an output synchronizing signal.

There is no disclosure or suggestion in Itoh of first recognizing the particular type of content of a moving image to be displayed as computer graphics. Nor is there any disclosure or suggestion of, upon such a determination, causing a display to display the moving image at a determined frame rate.

Thus, Itoh **fails** to disclose the features of “*display control means for controlling display to cause display means to display the moving image, by recognizing content to be displayed as computer graphics and then causing the display means to display the moving image at a determined frame rate of 350 or 360 frames/sec,*” as claimed by Applicant.

Because Itoh fails to disclose, teach or suggest various features of claim 1, a *prima facie* anticipation rejection has not been established, and withdrawal of this rejection is respectfully requested. See, e.g., *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”). See also *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1566 (Fed. Cir. 1989). (“The identical invention must be shown in as complete detail as is contained in the ... claim.”).

For reasons similar to those provided regarding claim 1, independent claims 9, 17 and 25 are also neither disclosed nor suggested by Itoh. The dependent claims are distinct for their incorporation of the features respectively recited in the independent claims as well as their separately recited patentably distinct features.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 2, 8-10, 16-18, 24-26 and 32 under 35 U.S.C. § 102(e) as being anticipated by Itoh.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of the claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully requests that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

In view of the foregoing reasons, all claims are believed to be in condition for allowance. If any further issues remain, the Examiner is invited to telephone the undersigned representative Christopher M. Tobin, at (202) 955-8779 to resolve them.

Dated: August 28, 2009

Respectfully submitted,

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